

Remarks

Claims 1 through 19 remain pending in the application.

The Office Action rejects claims 1 through 19 as obvious over Becker, et al., Data Carrier Having an Optical Authenticity Feature and Methods for Producing and Testing Said Data Carrier, U.S. Patent 4,765,656 (Aug. 23, 1988) in view of Stephenson, Transaction Card With Memory and Polymer Dispersed Cholesteric Liquid Crystal Display, U.S. Patent 6,853,412 (Feb. 8, 2005) under the assertion that Becker discloses a data carrier into which, by a laser beam, identifiers are introduced in the form of patterns, letters, numbers or images that are visible due to local changes in the optical properties of the data carrier, effected by the laser beam and resulting from material transformations. The Office Action further asserts that the data carrier is characterized in that the data carrier has a laser-sensitive recording layer that is transparent in the visible spectral range and that it is provided with a surface relief in the form of a lens grid, such that the identifiers are introduced with the laser beam from different directions through the lens grid into the recording layer and are perceptible when viewed from those same directions, and in that the data carrier is transparent at least in the area of the introduced identifiers. The Office Action also asserts that Stephenson discloses a data carrier into which identifiers are introduced wherein the data carrier is transparent at least in the areas of the introduced identifiers. Further, the Office Action concludes that it would have been obvious to one of ordinary skill to provide Becker with a data carrier which is transparent at least in the areas of the introduced identifiers for

aesthetically pleasing purposed or for the functional purpose of making the information printed on the card more discernable.

The cited references do not disclose all limitations of the claims. With regard to independent claims 1 and 17, Stephenson does not disclose a data carrier into which identifiers are introduced, or that the identifiers are introduced into the recording layer. In col. 4, ll. 44-47, Stephenson discloses a transaction card having a viewing area 13 that provides an area for viewing the content of display 10, which is bonded to the opposite side of the transaction card 12. In column 5, ll. 51-52 and Col. 7, ll. 20-21 Stephenson further discloses that the viewing area 13 is an opening in the transaction card. In addition, Stephenson discloses that the information printed on one surface of the transaction card is printed on the surface of the card. The information displayed on the display 10 of Stephenson is not part of the data carrier (transaction card) but is visible through an opening in the data carrier. Once the information of Stephenson is printed on a surface of the transaction card, the card would not longer be transparent because otherwise it would not be necessary to provide a viewing area to permit viewing of the segment characters of the display. Thus, the identifiers are not part of the data carrier nor are they part of the recording layer because they are on the surface of the transaction card. Therefore, because at least one claimed limitation is missing, the proposed combination does not render the Applicant's claimed invention obvious.

Also, there is no motivation to combine the references as suggested by the Office Action. There would be no reason to modify Becker to make the data carrier transparent in the area of the introduced identifiers as suggested by the Office Action.

First, there is no suggestion in Becker that a design expediently chosen by the card creator would result in a more aesthetically pleasing data carrier. The identifiers disclosed in Becker are the user's name or account number. There is no suggestion that viewing either of these pieces of information would result in a more pleasing data carrier nor does Becker suggest that his data carrier is aesthetically displeasing.

Further, there is no motivation to modify Becker as suggested because it would remove one of the functions of the data carrier disclosed in Becker. Figure 2 of Becker shows an embodiment where the information is recorded in the core layer itself. This core layer is not transparent because it is disclosed to be made of colored synthetic material and additional information is provided on the front and optionally the back of the core layer (see col. 6, ll. 25-30 and col. 9, ll.24-25). Figure 4 of Becker shows an embodiment where a transparent laser-sensitive recording layer 16 is positioned between a film with a lenticular screen 7 and a core layer 6. In col. 9, ll. 60-61, Becker discloses that the data information on the layers therebelow is still visible. Thus, there is no motivation to make the data carrier transparent in the area of the identifiers because it would destroy a feature of Becker's invention. In addition, modifying the data carrier at least in the area of the introduced identifiers would not make the information printed on the card more visually discernable, it would instead only allow the underlying information of the opaque core layer to be viewed through the cover layer and the recording layer. Therefore, because there is no motivation to combine the references as suggested, the proposed combination does not render the Applicant's claimed invention obvious.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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